

NEWINGTON TOWN PLAN AND ZONING COMMISSION

June 8, 2011

Regular Meeting

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Aieta
Commissioner Lenares

Commissioners Absent

Commissioner Camerota
Commissioner Schatz
Commissioner Turco

Staff Present

Ed Meehan, Town Planner

Commissioner Lenares was seated for Commissioner Schatz and Commissioner Aieta was seated for Commissioner Camerota.

Chairman Pruet: Before we start our public hearing I would like to state that we are going to enforce the two minute rule as Ms. Anest said. I would like to thank the public for last week, it made the hearing go a lot smoother, everyone got a chance to talk, and I want to thank you for that. I also wish to comment that this meeting will be conducted in a civil, respectful manner, without name calling, accusations toward a person or a business. This is not the venue to do that, and we're being televised and there are youth in attendance and also watching and I'd like to conduct this in a manner that we would be proud of as a civil affair. So with that, I thank you.

II. PUBLIC HEARINGS

- A. **Petition 09-11** – Toll Brothers, Inc. 53 Church Hill Road Newtown, CT 06460 applicant, Marcap LLC owner request Zone Map Amendment from CD Commercial Development District) to R-12 (Residential Use District for a 28.5 acre parcel adjacent to East Cedar Street Assessor Map 11-335.00A. Continued from May 25, 2001.

Chairman Pruet: Is the petitioner here? Please come forward and state your name and address for the record.

Tom Regan: Thank you. For the record, I'm an attorney for the law firm of Brown, Rudnick, LLP, City Place I, Hartford, Connecticut here on behalf of the applicant, Toll Brothers. We're here this evening for a zone map amendment to change a 28.5 acre parcel on East Cedar Street owned by Marcap. The parcel is currently zoned CD and we're here, we've requested a change to make it R12. In the staff comments, Mr. Meehan does a very good job of tracing the history of the zoning applications on this property, and there have been several applications on this property in the past with applications ranging from commercial uses to high density multi-family residential. In each instance, those applications have been denied as being too intensive a use for this property. The property owners have recognized that, and have sought out what they believe is the most reasonable use for the development of the property, which is privately owned and that is what brings us to this application that is before you today. We are here tonight to request a reduction in the zoning from Commercial zone that currently exists to an R-12 zone to allow for housing development on the property. At the first meeting you heard from Dick Harold, the planner who submitted a planning report as part of our application and in that Dick talked about the more appropriate uses of this property for development as a residential development and the reasons that it makes a lot more sense. Any commercial development, and if you look at the past applications that have been before this Commission that were commercial developments, or if you look at the detail that Mr. Gradwell made in his initial presentation of a medical office building, any commercial development of this application is going to be substantially more intense on the property than a residential development. A residential development such as the concept plan that we provided with our application which is for a seventy-five unit townhouse community will allow the property to be developed in connection with existing contours, building essentially on the disturbed portion of the property that is there now, and is really barren and preserving ten acres of the property that is currently a natural resource of open space in perpetuity to the Town. That is the reason that the property owners came to Toll Brothers and that's the reason that we are here tonight. We're asking for a reduction in the zoning from Commercial District to a Residential-12 to allow us to do a residential project, townhouses, that would be much more in keeping with the natural state of the property. With that, I'm going to turn it over to Ray Gradwell who is our project engineer to run through a summary of our application.

Ray Gradwell: Thank you Tom. Once again, my name is Ray Gradwell, I'm project manager and engineer with BL Companies of Meriden, Connecticut. I'm not going to regurgitate my presentation from last meeting, I just want to hit upon a couple key items, some checks and balances that the town and community will have as part of an application if the zone change is approved and the site plan is submitted to the town, as well as the State of Connecticut. Further checks and balances would include State Traffic Commission approval. Since we're proposing seventy-five units plus or minus two thousand square feet per unit, those units will be in excess of one hundred thousand square feet, so this application, the application for site plan would also have to go to the State Traffic Commission for approval, and that would include a traffic study, an analysis of traffic that would be generated on site, an analysis of the traffic that would be generated across the frontage of the site, driveway curb cuts, and also would include a drainage analysis. The State of Connecticut Department of Transportation is concerned with drainage, on site, off the site and on the state highways, so that is another checks and balances as the project moves forward, with any type of a development. A commercial development would include a State Traffic Commission certification, as well as this residential development. Another checks and balance would be the Connecticut Department of Environmental Protection. There will also be significant grading on the site, although albeit less than a commercial development, it would require a DEP permit in regards to storm water and construction activity, so that would be another checks and balance, so in summary from a civil engineering and traffic engineer perspective a residential type use on this site makes a lot of sense for a couple of reasons. Again, less traffic. Traffic generated

from seventy-five units is a lot less intensive than traffic generated from a large commercial zone. Storm water, as you develop the site, this site as a residential use, small, small footprints, narrow, narrow roads versus large, large expansive of paving for a commercial development. Storm water volume will significantly decrease in this type of residential development. That said, the storm water volume decreases, the storm water constituents such as sand, oils and greases would reduce so improved storm water quality would be leaving the site. One of the things this excavation on site, as a residential development, we can contour homes, these homes and roads would be contoured to the terrain, whereas most commercial developments are large, very flat, extensive pavement and a building that in most cases is flat, and the pavements around it are flat, so it requires significant grading activity on the site. A residential development on the site will be contoured on the land and will significantly reduce any (inaudible) to the land on the site and within the confines of the area. Lastly, a residential development of this size and this nature and this type of proposal will be a real benefit for open space that would be part of the project, ten plus acres of the project site would be dedicated to open space. That is a significant piece of property that (inaudible.) In conclusion that's where I am today, and I'll turn this back to Tom here.

Tom Regan: Since our initial presentation is already in the record, I don't want to restate, but I do want to high light Ray's last point in regards to the open space because I think it is important. One of the points of this application that is significant and I think that everybody needs to recognize and I know that the Commission does, is that this is a private piece of property. It's not as if we are here requesting a zone change to construct a park, to construct a community in a park. It's a private piece of property. The public now doesn't have legal access to the property. When this project is over, the top ten acres of the property, which is the most significant portion of the property from a natural resources standpoint by anyone's estimation will become dedicated open space to the Town of Newington and its residents in perpetuity. So it's not like we are taking this 28 acre parcel that the Town now has as open space and reducing it to ten, we are taking a zero acre parcel that the Town now has as open space and giving them ten acres of open space on this portion of the project. The second project, which has much more open space adjoining it which we have also proposed, but for this one, that's the key significance and when Ray talks about the ten acres of open space, that becomes ten acres that the Town will be able to own and use in perpetuity that it now doesn't have the right to, and at some point the property owners could divert, could develop it commercially and if this application is not successful they probably will, but they, and we feel that this is a much better use of the property, a much better use for the land, and a much better use for the Town of Newington to convert that much of the property to open space. That's the reason that we are here for this application before you tonight, and with that I will conclude my introductory comments. Thank you Mr. Chairman.

Chairman Pruet: Thank you. Ed, staff comments?

Ed Meehan: As far as staff, I submitted at the last meeting on May 25th, I don't have anything to add. This is a policy decision on the part of the Commission so that we can make the record for policy issues today. I would just state that in conjunction with the references that were made to the 2020 Plan of Conservation and Development, attached to my staff report is the issue of the area of traffic safety and traffic connections from the adjacent state highways and the long range plan for improvements to Russell Road, Cedar Street, East Cedar Street. That was part of my staff report. The applicant has it, it's available to anyone in the public who wishes to review it, it's up on the Town Planner's web page, and I'll leave it at that.

Chairman Pruet: I have one question. Have you had any preliminary discussions with the State Traffic Commission on your proposal?

Ray Gradwell: Mr. Chairman, we have discussed this project with respect with the residential development with the State Traffic Commission. Fred Greenberg from my office is here and he's a traffic engineer and he's (inaudible) for a project with the State Traffic Commission for our office on a daily basis. He has had the opportunity to discuss this project with the State.

Chairman Pruet: Thank you. Commissioner comments?

Commissioner Pane: I want to thank the public for coming out at our last meeting and at this meeting. The public has a lot of valid concerns such as traffic, protection of the wetlands, ridge line, fifteen percent slopes and buffers, but I was disappointed with the behavior at the last meeting. I think the public should be respectful of everybody. Hopefully we can have a better meeting that is fair to the public and the applicant. Booing, clapping, catcalls, are inappropriate. It reflects poorly on the citizens of Newington and is a bad example for the children of this town. With that said, I would like to go into a few points. Several of the comments made at the last meeting about why this Commission has not listened to the public need to be corrected. We did listen. The Commission worked hard, and made major changes to the 2020 Town Plan of Development. Everyone seems to quote that document. This is a guide for planning purposes. Several people spoke at the last meeting, calling our board the Council. We are not the Council. This board is a land use board that must follow statutes that are in place to protect the town people as well as the applicants. The applicants and the land owners have the right as well as the citizens of Newington. On page four of the 2020 Plan of Development under the heading Using the Town Plan I quote, "The plan should also have relevance for the actions of other public bodies such as the Town Council for the acquisition or disposition of land and the funding of programs which further its recommended strategy." So this 2020 Plan is not only a guide to the town Planning and Zoning but also a guide to the Town Council. Most of the people here want to keep the entire mountain protected. The only ones that can make that decision is the Town Council. I don't know who is leading the charge on this, but two budget seasons have passed and maybe this group should have been approaching them in large numbers that have been appearing here. The Council holds the purse strings for possibly purchasing the land. The first speaker at the last meeting hit it right on the nose, and I quote, "the town sees fit to spend considerably millions of taxpayer dollars on municipal parking lot and artificial turf fields. It's difficult for me to imagine the shortsightedness of letting the last sizable piece of open space in this town become just another development." He's right. Where are our political leaders? The Town spends six millions dollars a year on capital improvements without increasing our taxes. This group should have let their voice be heard when the CIP meetings were taking place. The next Town Council meeting is June 14th. That is your forum for this group. I do know that this board will work to the best of our ability on this application. In closing, this Commission works within the guidelines of the 2020 Plan, regulations, and statutes. If your group wants all of the land, the Council is your forum. Thank you very much.

Chairman Pruet: Thank you Mr. Pane.

Commissioner Pane: Thank you Mr. Chairman.

Chairman Pruet: Further comments from the Commission? Seeing none, at this time, this is a public hearing, and using the list Norine has there, if you would limit your comments to two minutes, we would appreciate that.

Ryan Perkoski, 133 Cheney Lane, Newington: I'm in favor of the Cedar Mountain development. I'll start by saying that I do empathize with everyone here tonight. I, like everyone else also like hiking, riding my bike or simply enjoying the mountain. If the town truly believes that the most valuable use of this property is undeveloped raw land, then the

town should purchase the property from Mr. Cohen at the same price that Toll Brothers is paying and replenish Toll Brothers for their cost. However, in order to pay for the acquisition, we as residents will now have a tax burden instead of tax relief. So the question is this, would we rather have the land used as open space for the enjoyment of maybe four, five hundred, maybe a thousand people, or the taxable dollars of roughly a half a million or more while preserving a large portion of the land. I would certainly chose the later of the two. The fact is this development will attract higher income tax payers, and while money is not everything, most towns especially in this struggling economy are looking for ways to lower deficits as well as keep local businesses prospering, as this project is a perfect way to generate much needed revenue for the Town of Newington. Aside from the economic benefit this new community will offer, Toll Brothers agreed to donate some fifty acres for the sole purpose of hiking, trail walking, including a parking lot. So at the end of the day, we're really not sacrificing anything. We're actually gaining a lot. We are getting everything that we were scared to lose, and much more for our town as a whole. In closing I would like to say that Toll Brothers is a premier, luxury home builder who will create an extremely desirable neighborhood. I welcome with open arms any institution that will create Newington a better place to call home. Thank you.

Cele Deschler, Constance Leigh Drive, Newington: I have been a resident of this town for sixty years. My children grew up and we many, many times walked the trails at Cedar Mountain. I live very, very close to that mountain, I am well aware of the traffic that presently exists. I find that after we built the public parking lot it is more dangerous than ever to try to exit the parking lot to try to get into Cedar Mountain. I took a walk up to Cedar Mountain to just review my emotions. We have an icon in this town, indescribably beautiful. There are very few icons left in this town. If there is some way if the people who are so dedicated and the Council members and the townspeople cannot get together and have another icon in town, such as we have on Cedar Mountain. I know there is a tax burden, and everyone is heavily burdened, but if we put this to a referendum, if you on the Commission, and the Council and the townspeople get together then our input would be much broader. I love to be very open minded but I don't like to see the crowded (inaudible) experience as it is now, on Cedar Mountain, coming down that highway is a disaster. Coming into East Cedar street is a disaster. Let us now rush into a decision. Let's be level headed and try to come to an honorable broad minded decision. Time will tell.

Chairman Pruett: Thank you Ms. Deschler.

Gary Bolles, 28 Burden Lane, Newington: Mr. Chairman, Members of the Commission, I am a life long resident and taxpayer. Regarding Petition 09-11 the change to residential use district, I cannot support any development on Cedar Mountain that would ruin its intrinsic beauty, be it high density, low density, whatever. In this original Newington reference guide of April, 1949 there is a story about our beloved then named Newington Home and Hospital for Crippled Children. It mentions the Constance Leigh pavilion that was dedicated in 1947 by then Governor Raymond F. Baldwin. Constance Leigh was not just a nurse but a wonderful generous caring lady whose prior house and land sat at the corner of East Cedar Street and what is now Constance Leigh Drive. It was reported years ago that that she donated many acres of land to the hospital and that her will specified that the donated land both south and north of East Cedar Street be used solely for medicinal, therapeutic and rehabitional purposes. What is there today on the site? Jefferson House, Cedar Mountain Commons, Newington Volunteer Ambulance, Hartford Hospital, Newington Campus. To the north, the former Hartford regional center. It doesn't take a rocket scientist to realize that all of these medical facilities explicitly comply with the will's directive. Even after the sale of the former of the Newington Children's Hospital campus and land to Hartford Hospital. A few questions to contemplate. Was an honest mistake in judgment made in 2007 when it was

reported that CCMC sold the former Newington Children's Hospital land presently in question for one point two million dollars. Should it have been sold? Would CCMC be willing to repurchase this property so it could revert back to the supposed intended use? In the equation of medicinal, therapeutic, and rehabilitational criteria, this involves, walking, running, hiking, and exploring this God given wonder, and it's a natural wonder. Most respectfully, single family homes simply don't fit. Thank you.

Rick Spring, 47 Deepwood Drive, Newington: A Newington resident for fifty-five years. Mr. Chairman, Commissioners, I thank you for keeping this petition open. You have a very tough road ahead of you. I believe the last public hearing the residents have spoken and made it very clear their stance on this issue. Back in 2009 we were fighting the same zone change to Marcap properties. Around the same time, this Commission drafted what is known as the 2020 Plan of Conservation and Development. While the Plan was being drafted there were a couple of public hearings and the residents spoke and you listened by making adjustments to the final 2020 Plan based on feedback. I commend you for developing this plan as it promotes the preservation of Cedar Mountain as well as retaining the small town character. One of the statements in the plan reads, the Plan should be used by the town Planning and Zoning Commission to make decisions on zoning amendments, map changes, setting density standards, property use and (inaudible) Page 24 Community Assets, the general statement is observing, and enhance those conditions both physical and otherwise which contribute to the overall character of Newington's sense of community and small town character. Under strategy, item one states, Cedar Mountain should be preserved from development. Ed Meehan stated, put the pieces together, at the last TPZ public hearing. The Commission needs to step back and also take a look at what developments that have already been approved and are being considered. Morningside condominiums at the Grantmoor golf range, the Deming Farm's development, seventy homes targeted next to the high school on Willard Avenue, and the Shoppes at Cedar which I have no idea what is going on with that. If you add all this up, with the Cedar Mountain development this may well be over 300 homes which roughly equates to 150 to 250 children on our already overburdened education system. Six hundred cars would be added to our already congested roadway, between Wethersfield and Newington. The development of Cedar Mountain would generate health and safety concerns such as removal of rock which would generate significant amount of dust, the hauling of rock, excavated from the site could cause increased commercial traffic on roads, potentially (inaudible) wild life created accidents would increase as deer, coyote, and wild turkey and other habitat flee the area in search of new homes. Finally I wanted to comment on a remark that was made at the last public hearing. A resident asked about the wild life displacement and one of the applicants stated that they would put the animals in the resident's backyards. Clearly this shows an irresponsible approach to ecological and environmental issues that this development would introduce. Finally I urge the Commission to vote against this petition, preserve the character of Newington and most importantly preserve the environmental significant area. As said at the previous hearing, if these changes are granted, all bets are off. Thank you.

Allison Clarke, 400 Cypress Road, Newington: Good evening Commissioners. I'm a member of the Save Cedar Mountain committee. On behalf of the committee I am please to present petitions under the Connecticut General Statutes Chapter 124 Section 8.3 D which states, if a protest against a proposed zone change is filed at or before a hearing of the zoning commission signed by the owners of twenty percent or more of the area of the lot included in such proposed change or within 500 feet in all directions of the proposed property included in the change, such change shall not be adopted except by a vote of two thirds of all the members of the Commission. Just to set the record straight, we've got two abutter lists, one had twelve names, the other had, I'm sorry, one had fifteen names, the other had eighteen names on it. The list with eighteen names had a few repetitions, MDC had three

names, Hartford Hospital had two names, and then there were a couple of residents who were husband and wife although they each owned separate properties. We have four abutters who signed a petition, so if you use the fifteen abutter list, we have three of them, if the eighteen list, we have four which is the required twenty percent. Any way you look at it, the Save Cedar Mountain Committee is respectfully submitting these petitions, by twenty percent of the abutters, pursuant to the fact we have all the required petitions requiring a two thirds vote by this Commission. Thank you.

Dean Pallotti, 23 Concord Court, Wethersfield: Not quite as well scripted as some of these others, so bear with me here. Couple of things, I represent a group of individuals, I with the New England Council of Carpenters that have over fifty families in Newington and Wethersfield, so that equates not just to fifty people but could be fifty times however many family members. There's a lot of people involved in this, and their concerns are, couple of things, first of all, you're ninety-two percent built out already, as mentioned time and time again, with the passion that was in this room last time, so to really exceed that is ludicrous. I don't even know why we are here. There was such a clear message sent last time from the townspeople opposing this project. There was probably two people in favor of it, and one was the guy who owns the property and the other guy is going to be the developer, so, there's a surprise, so you know, if you are truly the voice, as you guys are trying to pass the buck to the Town Council now, and put it all on them, and that's okay, we'll be here too, if we have to, to share our views. I've not heard on thing that says that this is not a tax burden or will not be a tax burden on the taxpayers of the Town of Newington. I have not heard anybody say it's going to be a neutral wash across the board, is going to be a fire protection, police protection, schools, more students which the other gentleman just mentioned, snow removal, etc., road repairs, the whole things and that has to be taken into consideration. Is this going to be a neutral wash? If it's going to cost you more money anyhow, just buy the property and leave it as open space because that is what all these people want to do anyway. My final statement is, I don't believe you did your due diligence in choosing a contractor for this site if you look at their past history and their track record of law suits and other incompetent workmanship, I know, you wanted to shut us down last time too.

Chairman Pruet: Just going by the rules, sir.

Dean Pallotti: Thank you.

David Tatum, 29 Camp Avenue, Newington: I understand the Commissioner's remarks earlier about responsibilities and limitations of this board, and you are correct, we should have been at the Town Council and I do believe that's where we will be going, but I also don't want to minimize the importance and powers of this board. You do still have quite a responsibility and the ability to guide the development of this town. You still are a very important part of this process. So I implore you to do what you can to preserve this space. Clearly the zone change is not in the best interest of the town. To approve either of these proposals I think would go against the 2020 guide lines. The question of which is more intense, commercial or residential I think depends on which pieces of the puzzle that you look at and give more weight to. For example things like fire and police, MDC charges, trash, those things are going to be much more impacted by the residential, and especially the schools. Increased residential development will cause expanded buildings, teachers, busing, we are having a hard enough time funding what we already have. I can't imagine adding to it, and we do need to keep in mind all of the other developments that are on the way that are proposed or already approved and on the way, so we do need to keep that in mind. My understanding is that a residential development such as this ends up costing towns and are not revenue generators. I know there is a lot of debate on that, and I don't mean to be an expert and I would like to see some more studies on that, but that seems to be my

understanding. So let's not see this as a tax windfall for the town in any way. This will cost us huge, beyond what there is for the environmental impact. So I do implore you to vote against it. Urban sprawl is out of control and this is going to have an overwhelmingly negative impact on the town, so please vote against the proposed change.

Ellen Thibeault, 101 Hartford Avenue, Newington: With regards to both petitions, I would like the committee to take into account the big picture. We need to have unbiased professionals come in and evaluate everything that has been presented regarding these properties prior to making a decision. From environmental impacts, traffic studies, fiscal impact studies, this is not something to take the word of a company who stands to gain from their petition being approved, as how involved they are, they are biased. There are other projects, including the State of Connecticut occurring on Russell Road that need to be taken into account. Looking at each petition individually does not represent all that is happening on an already terribly congested road and a dangerous intersection. The Toll Brothers way is to push, push, push to get the petition approved. They have threatened the public, we can build a commercial building and we're trespassing. What else are they saying to other people? Their concern is that they get these petitions approved for their employer, their employer's bottom line and their employer's share holders. They have no concerns for the well being of the Town of Newington and Wethersfield. Other towns have wonderful places of open spaces, Castle Craig in Meriden, (inaudible) park in Southington, West Hartford reservoir, Avon Mountain, the list goes on. We are so close to the bottom of the list percentage wise when it comes to open space. This mountain is Newington's little diamond in the rough and can be a valuable asset. This committee has the ability to decide on the quality of life for residents and our community. Cedar Mountain is the last substantial tract of undeveloped land in our town. It is the sum of its parts. There is no other piece like this in this town or many towns in the state. You are in charge of our destiny, is it going to be one that affords residents a place to observe nature at it's best with vernal ponds, breathtaking vistas, unspoiled forest teeming with wild life and migrated birds, please don't forget we have that residing on Cedar Mountain, and at least one threatened specie, or will you decide to push all that aside in favor of more housing and congestion, things that our town already has plenty of. Please have professionals come in, provide all the necessary input to guide you in this oh so important matter. Thank you.

Marilyn Miller, 2 Buck Street, Newington: One of the things that I would like to bring up is Chapter 124, Roberts rules of, or the state regulation, when there is voting there is, I didn't bring it today, the people that can vote currently anybody currently (inaudible) from a positive vote or a negative vote should not have voting rights. So that would limit it to the number of people on this board that have voting rights. I haven't heard from our Town Attorney but I have talked to attorneys on my own. I want written assurance that my foundation and my water (inaudible) will be considered monetarily if the blasting happens. I want our Town Manager and our Town Planner to tell me how many grants they have written to historical and conservation organizations to conserve the area. I have not heard anything from our highly paid employees or anybody else on what is being done to find money and not just raise our taxes to buy this land. I want an objective of one or two or even three appraisals on this land as it is zoned now, as commercial and I want to go from that because I know that there's probably an appraisal of when it was sold at a very low price and I want the equal rights of the citizens in writing in the paper for all to see what our rights are in the construction area. I just, showing the legal rights of citizens in writing, show me the paper. Thank you.

Ryan Jordan, 22 Burwood Road, Wethersfield: I'd like to begin by speaking on behalf of Peter Gillespie, the Town Planner of Newington, I'm sorry, the Town Planner of Wethersfield who was not able to make it to this meeting tonight. Peter expressed to me the other day that he submitted fifteen concerns to Toll Brothers and the Town of Newington regarding

Wethersfield's impact from this development. To date, none of these concerns have been addressed or responded to by the development company. He expressed the unprofessional aspect of that, lack of response and also that Wethersfield's role in this development is huge and should be considered. Cedar Mountain is right along the line of Wethersfield and certainly would impact our town. I would also like to express other uses for this mountain that could benefit the town. As somebody said, Cedar Mountain is a diamond in the rough for Newington. It is something that only Newington has. I have not seen in this state any sort of mountain or ridge line that looks anything like Cedar Mountain. I think it is very important to protect this mountain as it is. It could be a huge educational resource for people and schools from all over the state and from surrounding states. This mountain includes volcanic rock, vernal pools, to be a passive area, it has an incredible view and endangered specie. I could see people from different schools being asked to come to this mountain and walk around if the town were to purchase it. As it stands now, I realize that it is technically illegal for people to be walking on the mountain as the gentleman from Toll Brothers explained, they would be donating open space to Newington but that is a decrease in open space. One of the most important concerns right now is not that people can walk on the mountain, but the fact that it is a refuge for wildlife, and one of the few remaining in the area. Once you build something you push the wildlife even further back into the remaining open space and the more you build, the more you kill, and that is the truth. Thank you.

Stephen Jordan, 22 Burwood Road, Wethersfield: I am opposed to the zone change. In my mailbox today I found the current issue of Wethersfield Life with an article in there written by Doug Main that brought up three questions specifically that I have that I would like to address tonight. Representatives from Toll Brothers I think gave a very cursory answer to some of these, specifically the drainage, the traffic study and the gist I got, correct me if I'm wrong, was that these things would be addressed after the zone change. I greatly respect Mr. Meehan, the Newington town planner, and I would just like to get a current status of these three issues that are presented by Toll Brothers. Actually, Mr. Meehan is quoted in this article, Newington has asked Toll Brothers about the question of blasting and Mr. Meehan is quoted as, it's not one of the points they responded to, and I'm wondering at this point has Toll Brothers responded to the question of blasting.

Chairman Pruet: Toll Brothers is going to be responding at our next meeting, the petitions were postponed tonight, and they will be responding then.

Steve Jordan: Then the answer to the question is no.

Chairman Pruet: As of today, that is correct.

Steve Jordan: Okay, thank you. The Toll Brothers traffic study did not recognize the Capital Regional Council of Governments Route 175 Corridor study supported by both Wethersfield and Newington, nor did it take into account the possible increase in road use for the state property at the end of Russell Road, should the state increase their activity. Have you received a response from Toll Brothers on that issue?

Ed Meehan: I believe the gentleman is referring to issues related to Petitions 12-11 and 13-11. The public hearing that the Commission is holding right now is on the policy issue of the zone change, not on the implications of the development of the Balf piece.

Steve Jordan: Well no, the zone change as it relates to increased traffic on Route 175 and the Russell Road connector.

Ed Meehan: It's not the issue on the zone change. The zone change is a policy call by this Commission as to how the zone change conforms to the Plan of Conservation and Development and is compatible with the surrounding areas. They are not getting into the conceptual layouts of the 28 acres. The Commission needs to consider again, the strategy of the Plan, the surrounding area, and if a zone change was approved subsequent petitions would have to come before this board as part of the Special Exception for the subdivision and the activity on these 28 acres. So those are secondary petitions to this policy decision.

Steve Jordan: I'm sorry, I know that I'm over on time, but wouldn't the traffic impact of changing this zoning to residential be a factor in considering whether or not to change the zone?

Ed Meehan: I'll be guided by the Chair if he wants me to answer or not.

Chairman Pruet: You can make that response and then we'll go on.

Ed Meehan: The traffic impact of any development on this site is going to affect the intersection of Russell Road and East Cedar Street. Until we know exactly the complexion of the land use of the property, I can't give you a definitive answer. Generically, it would depend on whether it's a residential use, I would confirm, I would concur with the observations of the applicant, that a residential use tends to generate fewer trips versus a commercial development. Again, it depends on the square footage and the use and the intensity of the commercial development. It would not be fair for me to speculate at this point you know, what would be more, what would be less, but generically, and I think the traffic engineer for this development would concur, residential uses do not generate traffic. There is always a footnote to this. It's the time of day that the traffic is generated that is crucial to our arterial roads here in Newington and Wethersfield. Anytime you have a lot of traffic on East Cedar Street, Welles Road, Russell Road, Willard Avenue in Newington we have very poor levels of service. So, the use, residential versus commercial could be the peak hour, and commercial traffic generates more vehicle trips at peak hour than does residential.

Stephen Jordan: But residential would increase just for peak hours.

Ed Meehan: Going from a vacant piece of property to a developed piece of property is going to generate traffic. So the impact of residential would be less.

Stephen Jordan: Thanks. Thanks to the Commission for hearing me.

Ettore Wamies, 18 Deepwood Drive, Newington: I wish to express my appreciation to folks who work on the committee and for your dedication to the Town of Newington and all of its citizens for all of the work done on the town's 2020 Plan of Conservation and Development. Ladies and gentlemen of the TPZ, the town is maxed out. The commercial corridor namely the Berlin Turnpike is fully developed. Since commercial development generates property taxes to the town, without the majority of the service expenses that the town would normally have to support, and yet, my residential property taxes have consistently gone up year after year. I have read the Toll Brothers 2009 fiscal impact study for the previous proposal. I question the methodology used in the study, mainly the end result of the number of potential new residents, new students and also the study says that the town would gain over \$2,000.00 per household at full build out. In stark contrast the Eddy Farm fiscal impact study (inaudible) in 2005. As you are well aware, this study was straight forward in its assessment. It looks like the major difference between the 2005 study and the one Toll Brothers paid for has the Eddy Farms assessment is that there would be 1.5 kids per household from 2005 while Toll Brothers is suggesting .24 kids per house. This just doesn't make any logical sense to me.

So what Toll Brothers is saying is that they wish to build large homes with three or four bedrooms, however they don't anticipate ever increasing large families. Newington is a wonderful town, because it is an affordable middle class town with good schools and amenities like our parks. People move into Newington into existing homes that may have already raised at least one family. I know that the house I just bought with my wife raised three daughters from the previous family. In closing, the Cedar Mountain property is not suitable for development as the plan currently before you. I sincerely wish that you understand the full impact of this proposal not just now, but in time to come. Thank you.

Kristine Nasinnyk, 50 Theodore Street, Newington: I'm also Town Council but I'm here speaking on my own behalf. As we on the Town Council also respond to the public, I want to thank the public for coming out and expressing their feelings because this is the way, and this is the forum that they have to be able to let all of us in town government know what is going on in their, what they would like us to do. I certainly respect the job that you have before you. What I don't know, because I'm not on the TPZ, I'm on the Town Council but what I don't know is how you make your decision, what you look at, do you look at past decisions, Mr. Meehan already shared with us the public, a little bit about of what you have to look at to decide whether you are going to be having a zone change or not, and we have to respect that. We also have to respect the fact that even though we all would very much like to see the mountain remain as it is, it is private property. I know that where I have spent summers, we were able to walk to the water from where we were, barefoot, on sandy roads and recently over the past couple of years it has been developed there so we are absolutely land locked. There is no way we can actually walk to the water because people who have private property have built on it and have absolutely forbidden anyone to walk on their property, and although I was upset about that, I know that other neighbors said, we do have to respect the rights of people who own the property, and they should be able to do as they want with it. So, with that respect, the only thing that we can possibly do, at some point, is offer to buy the property. But I also want to let the public know that this has been attempted, just if you look in the paper the towns that have been able to buy public land have been able to do that with a combination of town funds, grants, land trusts and a whole bunch of other things that the town now, with the creation of the Open Space Committee has just begun, has just been started, so even though it's not over till it's over, I just want to respect you for the job that you have before you, and as you said, it's going to be coming before me to make a decision as well, so thank you.

Michael Aporo, The Crossings, Wethersfield: I live right across the street from Cedar Mountain and I just want to comment on a couple of points that were made by previous speakers and one of them was by the Commissioner whose name I don't know, but I did really appreciate your guidance and I was kind of taken back by the fact that you seemed to be prohibiting clapping, because I wanted to clap after your remarks. But then the first speaker who came up in support of the proposal I think made a very, very short sighted type of a remark, and I wish he would reconsider it. He mentioned he was like a cost analysis, comparison about how many people this would benefit at any one time, and I guess he used a couple of numbers, maybe 400 or 1,000 or something like that. Without taking a count at all a remark made by one of the last speakers and that was about for decades to come, for future generations. You can't just talk about who is going to benefit right now. And really, aside from my ongoing concern and I won't reiterate, several people have expressed better than I concern about their foundations. Almost every, I do a lot of walking around, the Crossings, and I used to work at Cedarcrest Hospital and we felt it there to, from Balf every time they would blast, and almost all of the foundations that I have seen at the Crossings have cracks in them, that seem to be more than just due to the expected settling that buildings do. I'm really concerned about the proximity of blasting, it's going to be a lot closer this time. Thank you very much.

Kelly Mowchan, 5 Deepwood Drive, Newington: I have just a couple of remarks to make. I just want to just address the fact that yes, it is private property, I apologize for being up there, but the town has promoted its use for many years, and it is still actually on the town web site mentioning the trails and mentioning the land that is far off to the Balf piece and all over the Marcap piece. Also, I have written letters to senators and representatives in our area, and most of them have responded to me. The majority of them are in favor, and they are willing to help if we do want to buy this mountain they are willing to help and help us find funds if that is possible, but that is also something that should be considered. This is something that needs to be saved and once it's gone, it's gone and I really appreciate the job that you have ahead of you, it's a hard decision to make, but consider future generations, consider the impact in the long run. It may increase taxes to buy the land, but we are also going to see an increase in taxes if we develop there and have to provide all the amenities. Thank you very much.

Bethany Nelson, Elton Drive, Newington: I'm surprising nervous speaking in front of a group. I teach middle school children, they should be scaring me more. You know, I'm listening to everything that everybody is saying, and I understand both sides of the issue, but at the end of the day, I don't agree with the one gentleman who is in favor, and that's with great respect. My concern is about this, it's about legacy. It's about your legacy, it's about Town Council's legacy, it's about what you all as leaders in this community want to be remembered for. Again, not just now, not just tomorrow, but for decades and even centuries to come and I realize that you are a separate entity, and the Town Council is a separate entity but collectively you are our town leaders, and collectively I think it is truly incumbent upon you to collaborate with one another and community members who are willing and energetic and passionate about preserving the mountain. Find a way to buy the whole thing and let all of us have it in perpetuity and you would have a wonderful and brilliant legacy in that way, so I ask that today you not allow the change in zoning and that you allow ourselves to move on, in collaboration with the Town Council and those passionate wonderful people who have spoken here tonight, that are willing to step up and do more, and do what it takes to write the letters and collaborate with grant writing organizations and collaborate with the Federal and State government on and on to make it happen and make the reality so that we have a wonderful community forever. Thank you.

Myra Cohen, Member of the Town Council: Speaking for myself, I just wanted to point out that when the developer was making their proposal, their presentation earlier, they are talking about the still proposed concept as far as the residential development and they are comparing it to the worse case scenario of commercial development that they could come up with. I also want to point out that the residential proposal for concept is talking about donating a large piece of the property to the town. Without looking at the commercial development, how much of that would be wetlands that would not be able to be developed anyway. I think there was a reference made earlier about a cost benefit analysis, no matter what you are looking at, the amount of the taxes to the town per house no way covers what the cost is for residential property. It's the commercial developments that pay for the town. The people who live here, what we pay in property tax no way covers our police, our education, our garbage, our snow removal, it costs and we don't have a cost benefit analysis of this project, of the proposed project. Up until now, it hasn't been brought up because as a member of the Town Council that we have been sitting on this for years, and have not been aware, we were aware of it, but we haven't paid attention to the fact that we do have a fund, that we could be funding, up to two mills per year, but the people come before the Town Council and say, keep our taxes down, it's very difficult to look at something that has not been before us. Please come, if you are coming before this board, come before the Town Council and let us know what you are willing to pay, where you are coming from. We are with you, but we need your support as far as the dollars are concerned. Thank you.

Maidie Kinney, Crestview Drive: With all due respect to everybody who has spoken before and myself included, I think you could have knocked this sucker off in about three minutes if you just listened to Myra. I'm speaking tonight urging you to deny the request to change the zone for the Marcap property from commercial to residential. We need very much to be wary of Greeks bearing gifts, and I don't mean a pan of mousakka and a bottle of (inaudible). For those weak in history, it's how the Greeks took Troy. We have been told many things will occur. Open space will be deeded to the town, although the amount has fluctuated. There have been no plans presented with the logistics of how this will be maintained. How the town residents can access this through private property? How much is this gift going to cost the tax payers of this town? Myra already said taxes will not cover what it is, even if you broke even, in my estimation we will lose. We have had promises made, assurances given for houses, unwanted development can be made to occur. We have never heard anything about what is going to happen when this snafu occurs, and that means situation normal, all fouled up, I bet you didn't think I was going to say that, what will happen if the change is not granted? Can bulldozers just roll through irrespective of the town wishes? Mr. Cohen put it rather eloquently on two separate occasions, one in a recent television interview, basically if we do not agree with him and if we don't grant the changes he wants, he can do whatever he bloody well wishes.

Sidney Cohen: I didn't say bloody.

Maidie Kinney: I know, but I did, it's my turn. He would say that he has the right to, I'm not sure actually if this counts as blackmail or the town being held hostage. Either one is not a practice for being a good neighbor. The chambers have been packed, the people have spoken, Wethersfield town residents have come before you, you do appear to be listening and for that I am grateful. It is also incumbent however that we residents not leave all of the work up to you, people like Bernadette, Carol and Rick and those who have spearheaded this. We do need to come together as a town to try to change what has been done, which is the selling of the precious mountain. Thank you.

Rose Lyons, 46 Elton Drive: First of all, I too would like to thank all of you Commission members for your time, efforts and energy in listening to everything that has been said over the course of the last couple of years. I would like to comment on Commissioner Pane's remarks. I agree with him that the Town Council holds the purse strings and that the people here attending the TPZ meeting should have brought their concerns to the Town Council as they control the Capital Improvement Budget which is approximately six million dollars. Myself and Maidie, who spoke before me, have tried to figure out for the last three years or four years who determines where our money is being spent. We have attended Town Council meetings, Capital Improvement Fund meetings, and the bottom line I believe is our Town Council is led, first of all by the Town Manager who makes recommendations to the Capital Improvement Committee who in turn makes their recommendation to the Town Council and when it comes down to the eleventh hour, when there's about five minutes between the public hearing and what our budget is going to be, the Council makes the decision. Maidie and I fought quite hard against the plastic wrap and against the asphalt, but two people cannot make a change. They don't listen. When people come out in droves, they listen. It could have something to do with education and you fill this auditorium, they listen. I have not seen a Town Council meeting be moved because there were too many people in attendance. I think you have to start with them, and you should have started two years ago unfortunately, but it's not over, it's not over and I think your voices have to be heard, and I urge you to attend. We were given parts of the parking lot over several years, also known as Constitution Square, by several business owners and over the years the parking lot was not maintained, therefore it cost us taxpayers close to two million dollars to repair the damage. Who is going to maintain the acres that Toll Brothers and Marcap intend to give the town in

Perpetuity? Will our children, or our grandchildren be coming before the Commission or the Town Council in years to come to stop a Costco from coming in and being built, just like what is happening over at Stanley Park in New Britain today.

Val LeChance, 37 Goodale Drive, Newington: I just wanted my voice to be heard, I didn't prepare anything to say, but I've lived in Newington my whole life, close to Cedar Mountain the whole time, and I just would hate to see, not to say that they are not nice homes, but I drive up Robbins Avenue towards the Berlin Turnpike and I look at the development that is there now, where the drive-in used to be, and the drive-in granted, was not a beautiful place, so it didn't hurt so much to see the development there, but it would hurt to see something like that on Cedar Mountain and to see us lose what we have and I just wanted to let my voice be heard. Thank you.

Jennie Morganthal, 17 Harris Drive, Newington: I am an architect and I do not support the development of Cedar Mountain. I'm bringing my perspective to you as an architect. As a design professional I see all that is crucial and responsible, to look at a project as a whole, and from many different perspectives. For a development such as this, I have to ask myself these questions, does the development of a beautiful mountain and one of the last remaining green spaces make what is best for Newington? Will the infrastructure and school system be able to handle all these new homes in an already overdeveloped community? Will the blasting required to build these homes damage the area? Does this community really need another monotonous looking cookie cutter architecture development? And most importantly, do the people of Newington even want this? Based on what I have seen so far, the developers either haven't asked those important questions or don't care to. As part of our education, architects study town planning. We learn how towns grow, develop and evolve. We study the elements that make a town successful. We use this information to guide our decisions and design even if that means not building. Most developers have no such training. They are educated in how to make a piece of land profitable regardless of location. Simply put, they are in the business of making money. I guarantee if they had asked all these questions that a good responsible developer should have asked before embarking on a project such as this, they would not be pursuing this development. Thank you for your time, and I respect the decision that you guys have to make.

Bernard Cohen, 98 Whitewood Road, Newington: Hello again. I spoke at the two or three previous meetings. There are a lot of reasons that people said that we should not have it developed, many reasons. I'll just give one reason that I experienced today. My wife and I were on our way to see our granddaughter do a recital at a Berlin school. We couldn't get out. The traffic was overwhelming. We were late to get to the recital. It was coming down Cedar Street to get onto the Berlin Turnpike. That is one reason that I have experienced that we should not have that development.

Bernadette Conway, 177 Hartford Avenue, Newington: I just want to thank all of you for all of the time and effort you have put in. I've come before you here many, many times and you have always been very responsive to all of the citizens and the resident's concerns who have come before you through the years with all this going on, and I also want to thank you for keeping the hearings open because there are so many concerns being brought forth that we need to have this time to have them addressed. I have so many things that I want to say, and I'm trying to stay within my time. I'd like to comment on the plan, just to stay within your purview of zoning. I've been sitting over there in front of that big map, and here are a few of the concerns that I have. A huge concern is filling in one of those wetlands that I absolutely don't think that that should be done, although I know that doesn't fall under your purview, that's Conservation, I still think it needs to be stated. The entry road from Russell Road is, the Marcap property, the entry road for that is from Russell onto Ancient Highway which is a

town owned piece of land, designated as a greenway and I don't understand why we are, how that is being used as a, letting them use that as getting into their property. There is also a pump station on that greenway, it's right on Ancient Highway, and I just don't understand why it's being put there. That is a town owned piece of property and shouldn't be, are we giving that to them, or giving them rights to do this? That's something that I'm confused about. I notice that there are some lots that are on steep slopes with a grade of more than fifteen percent and that concerns me. I think that there is going to have to be extensive rock removal for that, and I would just like to reiterate, I have heard many times that this is a conceptual plan, and as far as I'm concerned, concept can change, which is another concern, and then there is the traffic. That's another huge concern. I see my time is up, and I just want to thank you for your time and please take all of this into consideration. It's zoned as commercial, we don't need to re-zone it and I don't think it should be rezoned. Thank you.

Katherine Labadia, 59 Golf Street, Newington: It really comes down to a zoning change tonight and I think when you look at Section 3.1 of your subdivision regulations which say that the proposed subdivision shall be in harmony with the Plan of Development, the Plan of Development says that it shall discourage any change from Industrial, Commercial and Business zoned land to Residential. Period. Therefore, the proposal is not in accordance with the Plan of Development. It further states, in the Plan of Conservation and Development that Cedar Mountain should be preserved from development, as its number one strategy. When we consider Section 3.2 of the subdivision regulations the suitability of the land, if extensive blasting is required then wouldn't that say that this land is not suitable for the purpose of development. If large storm water drainage ponds are needed, that perhaps the land is not suitable for the proposed development? And the fact that we are having these large storm water drainage ponds right in the back yards of some of these houses, has anybody considered safety concerns with children in the neighborhood. In addition, Section 3.5 states that lots shall be designed with care and with recognition of the existing character of the land. Once again, if you are substantially changing the topography by blasting away, is that being done in the existing character of the land? All these reasons, I don't think the zone change is appropriate, nor is this proposed subdivision. Lastly, the soil characteristics for the majority of the subdivision area is described pressure Holyoke as well as Wethersfield loam (inaudible). Both of these are reported by the U.S. Department of Agriculture as being unsuitable for residential developments with basements. I don't see how the USDA could have gotten that wrong, so I would hope that Planning and Zoning takes all of this into consideration. Thank you.

Gail Bedrako, Isabelle Terrace, Newington: I wasn't planning on speaking tonight, so my notes are on the back of my magazine. I'm just getting a little bit concerned, listening to tonight's discussion about who is in charge, who is looking out overall for everything that is going on in Newington. We've got, I hear, the TPZ, the Town Council, the 2020 Plan, the Development Commission, the Conservation Commission, are they talking to each other? We really now can't look at this project in isolation. We have things going on, we've got Victory Gardens going on, we've got the development by the golf course over by Wal-Mart, we've got this development and who knows what's also going on in the background that we don't even know about. Somebody has to stop and look at what is going on, in aggregate in Newington on our eight percent of open space that is left, plus what has already been approved. What's going on, where is it planned, and what's the impact on our services, our traffic, our environment and the fiscal impact? Please, TPZ, Town Council, 2020 whatever, all get together in one room with us and let's talk. I don't see anybody looking out, overall for what's going on.

Melissssa Mulvey, Newington, Ct. I don't know if any of you recognize me, but I actually worked at the old supermarket, Waldbaums, an awesome place to go before it closed. I

really don't know anything about zoning or developments, but all I can say is what I feel from my heart. I love Cedar Mountain. I have been up there numerous times and I can't tell how beautiful it is, and to think that all of that beauty could be destroyed really breaks my heart. I'm sure it breaks all of your hearts, why would you be here if it didn't? I've got so many wonderful memories and I can tell you that you know, this will always stay with me as long as I live, I mean, just seeing the view, walking through the forest, I've actually seen so many amazing creatures up there and to think that they may be gone is really sad. So I hope that you guys will reconsider and change your mind, but I love Cedar Mountain.

Jef Downes, 27 Saw Mill Crossing, Wethersfield: Good evening. First of all I'd like to say, the development and the offer of the free space that they are graciously donating, is all undevelopable land, based on grade and wetlands. Generous, but they can't use that property anyway, don't be fooled about that. The other thing that concerns me is, you guys have a big decision to make, and your decision is based on the benefit of surrounding areas. There is no benefit, easy decision.

Arline Hourihan, 52 Broadview Street, Newington: I have been a Newington resident for over fifty years and even before that I enjoyed the parks in this town. Every Girl Scout in Hartford once a year our troop took the bus to Newington and enjoyed the park facilities at Churchill Park. Most of you are probably unaware that the Girl Scouts had a cabin in Churchill Park, and one of our activities was to blaze a trail, something like hide and seek. Today we have very little land left I believe we need to keep Churchill Mountain for the next generation. I am willing to help pay for the land. Once it is gone, it is gone forever. Thank you.

Stanely Sobieski, 26 Deepwood Drive, Newington: I respect the committee here, they have a tough job. What I've heard and what I've talked to about this before is the traffic concerns, the drainage concerns, we're talking about sedimentation ponds up there, when these things dry out, you are going to have ponds for mosquitoes. How are you going to control that? We have Lyme disease up there with deer, we don't want these animals in our back yard. My other big concern is the drainage, it's got to go somewhere. It's going to have to come down off of that mountain. Whether it goes to the state, through Russell Road and into Wethersfield or the Berlin Turnpike, comes down here and floods the Dowd Street area, it's going to go somewhere. Virgin earth will absorb water, paved earth, or paved areas like house shingles and driveways run water straight out. One of the big concerns here is once you start blasting, what is our protection as homeowners in Newington and Wethersfield? I don't have any cracks in my foundation, I don't get any water and I live on Deepwood Drive at the base of that mountain. Once you start blasting, and something happens, where am I going to go? Am I going to go to the town? Am I going to go to the owners of the property? Am I going to go to the developers? They are going to say, see you later. I think at some point in time this zoning commission should start looking at putting a bond, a cash bond, not an insurance bond, a cash bond in place so if something like this happens, the residents and the people that are affected can have some relief here. Again, I'm asking, don't do any development up there at all, deny all three petitions. As a resident I've lived in this town for sixty-one and a half years, I remember the old 175 and know the new 175 and let me tell you, the new 175 is a four lane road, it got blown out to four lanes when 291 got knocked out of the picture, through Newington and Rocky Hill, we don't need any more traffic up there. We have another big concern if you want to get emergency vehicles in there. I don't see what you are going to do short of building a fly over bridge somewhere, how you are going to get stuff in and out of there. So again, I'm asking, deny all three petitions. Thank you.

Diane Hoffman, 15 Locust Drive, Newington: I don't have any figures, and I don't have any facts, and I've never been to one of these meetings, but I felt it was very important for me to attend this one to voice my opposition to any construction on Cedar Mountain. I've lived in

Newington for over fifty years. As a teenager I visited the mountain, and the overlook as we called it many times. My son now goes there and enjoys his time. I will go up there periodically and relive those memories, and I don't want anything to ruin that, and this will ruin it. Thank you for listening.

Rob Fuco: I grew up in Newington, I still own property in Newington, but I'm a resident of Burlington, Connecticut for the last twenty years. My partners and I are consultants on usually historic gardens and community properties. I just wanted to give one thought, or two thoughts actually, one, on the spiritual artistic reason that the town should buy this property, and one on the practical reason that the town should buy this property and keep it as open space. The two things relate. About ten years ago I actually made a presentation to the First Selectman of Newington suggesting that the property be bought as open space and also at that time I interviewed Roger Eddy, asking him if he could possibly keep the Eddy property, or donate the Eddy property as open space. My partner, Thomas Pane, who is much smarter than I am, Harvard educated landscape architect and he works out of our Boston office does some interesting things with zoning commissions and town planners. He suggested that when you are going to make a decision like this that you close your eyes and try to think to yourself, what, if you try to imagine, what is the essence of Newington? What are the sacred spaces in Newington? What pieces of property, or what things come to mind when you are thinking, what is the essence of Newington? I propose to you that Cedar Mountain is absolutely one of the sacred spaces in Newington and that is a artistic spiritual reason why this shouldn't be developed, but the practical reason that it shouldn't be developed is that when you go into selling these sacred spaces, Cathy Hall, who I know and who I am dealing with in business right now, knows that selling sacred space like this can degrade all of the property values in the Town of Newington. Right now Newington is built up, and is probably over-built, and I think if you start going into property like this and develop it and ruin it, or if you went into Churchill Park and did the same, or where the waterfall is, you are hurting the essence of the most important sacred parts of what the town is, and I think you are hurting everyone's property values. So I would ask the town to figure out some way to get grants, or use town money, I'm a town taxpayer, I would be happy to have my taxes go higher in this town. Thank you.

Harry Avery, 18 Dalewood Road, Newington: I come out of my home everyday and I'm looking at the ridgeline of Cedar Mountain. Now I've been here for a couple of meetings, I've always been taught, back when I was school age, many, many years ago, that the town officials represent the residents of the Town of Newington. I'm sorry to say, the last two meetings, I've left here with the idea that maybe you guys are not representing the Town of Newington and the people, I'm wondering if you are representing Toll Brothers? It certainly appears that way. You hear people say they don't want the development. Are you listening? Doesn't seem so, you don't get it. How many meeting are you going to have before you do get it, because we are not going to go away. We're going to be here until you get smart and turn this thing down. Thank you.

Chairman Pruet: I'd like to read a letter received, addressed to me, "Chairman, TPZ, regarding public hearing June 8, 2011, Petition 09-11, Dear Mr. Pruet: At the Newington Development Commission's meeting on June 1, 2011 a motion was made to report to the town Planning and Zoning Commission that the Development Commission's consensus is to keep Cedar Mountain commercial in conjunction with the 2020 Plan of Conservation and Development. Signed, Thomas Shields, Chairman."

Bruce Winchell, Tinsmith Crossing, Wethersfield: Thanks for being here tonight, and thanks for conducting these process. This is awesome, you know, town residents stepping up, speaking their minds and you know, showing where they are coming from. It's what makes

the basis on what this country was based on, and that's basically the right to speak your mind. It's totally awesome. I'm a resident of Wethersfield and I've become a lover of Newington just being in close proximity over the fifteen years that I have lived in the Crossings. I've been up onto the ridge lines numerous times, I've walked along seeing all of the butterflies and just all of those critters. A lot of the critters are coming down into my property now, as is. I will touch on, Mr. Jorden, the young Mr. Jordan had gotten up here earlier and referred to a letter that was sent to the Town of Newington by Mr. Gillespie who is the town Economic Development Manager and Town Planner of our fine town, Wethersfield. He touched on different parts, approximately one third of the site drains southeast towards Wethersfield. Previous studies have identified drainage problems and complaints on the east side of the Berlin Turnpike and culverts along Culver Brook, the ultimate receiving stream for run offs from this development. When they start blasting, will fissures be created in the basalt that will displace the wetlands? There is no control over that. We're concerned that the entire development depends on only one access point to serve the homes that are proposed and the area. Good planning would allow for multiple access points to spread the traffic load and provide emergency vehicle access. It's already been addressed. Has a cut/fill analysis been done to determine if there is not net loss or gain of materials to the site following the development or is that skipation, and if the development will become an earth products quarry long before the first home is ever built and all that stuff will be shipped over to Tilcon-Tomasso so that the trucks will come over Newington roads and the roads will be destroyed with the thousands of tons of material. Has the applicant developed a schedule for the project? The proposed sanitary sewer profile indicates cuts between twenty-five to thirty foot deep for proposed installation. Has the constructability of these plans been considered? Mr. Meehan, you had indicated that the traffic wouldn't be an issue, with a certain situation as far as residential and commercial. The only the person who spoke on the board tonight was to talk about the negative parts that the people from the Town of Newington and Wethersfield were outspoken. I would enlist most of the rest of the Council, sorry, Commission to maybe step up and share your voice in what your town and adjoining towns really want here, and that is non-development of Cedar Mountain. Thank you.

Chairman Pruet: Further remarks by the public? At this time, rebuttal by the applicant is limited to five minutes.

Tom Regan: Thank you Chairman Pruet. As I understand, you intend to keep the hearing open for one more hearing, so I will limit my rebuttal comments to just a few clarification remarks and save my rebuttal comments for the final hearing. I do want to clarify the record a bit because I think it got a little congested again, for lack of a better word. There were many comments made tonight, particularly the comments from the Wethersfield residents with regard to Peter Gillespie's letter. Peter Gillespie's letter is not the subject of this application. It's the subject of the subdivision applications which are a separate hearing. We will address Peter Gillespie's letter and concerns as part of that application, but those comments and concerns are not part of the zone change application, they are part of the subdivision site plan application. There were many comments made tonight repeatedly about retention ponds and lots and all of that is the subject of a totally separate application under a totally separate regulatory process as opposed to the zone change hearing that we are here tonight which as Mr. Meehan has correctly pointed out on several occasions, is the subject of you sitting in your legislative capacity looking at whether the proper use for this property is its current zone commercial, or a reduced zoning residential. With regards to the traffic considerations, I just want to highlight Mr. Meehan's point once again that the traffic analysis here is not one of an actual development plan because there is not an actual development plan in front of you for consideration although we did provide a concept plan of what could be done with the zone change. The analysis for traffic here is, would this property produce less traffic zoned residentially than it would if it was zoned under it's current designation as

Commercial? So, I just want to clarify that point for the record, before we continue this hearing that what we are here for tonight is the zone change and those aspects that are clear and apply to the zone change. I know the Commission understands the difference but I just want to make that clear for the record, because many, many, many of the comments that came in tonight were in fact addressed to the subdivision applications which are the subject of a separate application. Thank you Mr. Chairman.

Chairman Pruet: Thank you. Okay, the opposition, limited to five minutes to respond to Mr. Regan's remarks. Seeing none.....

Commissioner Pane: Excuse me Mr. Chairman, there was a comment made earlier tonight by Marilyn Miller, something to do with voting. Could, if it's all right with the Chairman, I would like to have Marilyn Miller back up and have her explain exactly what she is talking about.

Chairman Pruet: I have no problem with that.

Commissioner Pane: Thank you very much Mr. Chairman.

Marilyn Miller, 2 Buck Street Newington: Like I said, I didn't have it in front of me, there's a Chapter 124, State Regulations, there is a, I wish I had it, there is a section where TPZ commission membership are not allowed to vote if there is any inkling, now this is all paraphrasing because I don't have it in front of me, that the member who is voting will benefit by either a nay or a aye vote, so that member should, what the term I'm trying to use, abstain from voting. That is in Chapter 126 of State Regulations.

Commissioner Pane: I understand that. Is there a reason to believe that someone has conflict here?

Marilyn Miller: In general, I, in my own personal opinion, I don't think attorneys, contractors or realtors should be on any TPZ meeting.

Commissioner Pane: Thank you.

Chairman Pruet: Thank you.

Tom Regan: Mr. Chairman, if I may just address that for the record? To the best of my knowledge, the conscience statute requires any board member recuse themselves, not abstain from a vote, but actually recuse themselves from the proceeding if they have a pecuniary or financial interest in the project. To the best knowledge, on behalf of both the applicant and the property owners, I don't believe any member of this board has either a financial or pecuniary interest in the project and usually the applicant is asking for recusal, and to the best of my knowledge, we have no reason to be asking for recusal tonight. Also Mr. Chairman, one other point that I would like to make in regard to the Petition that was presented tonight, with regards to the two-thirds vote of the Commission, I would like to ask that we be allowed to verify those abutter signatures prior to the next hearing in case there is anything that we find that we disagree with. I don't know that there is, but we would want to verify that before the next hearing.

Chairman Pruet: Yes, we'll get you a copy.

Tom Regan: Thank you Mr. Chairman.

- B. Petition 12-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000, R-20 Residential Zone District. Continued from May 25, 2011.**
- C. Petition 13-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 R-20 Residential Zone District. Continued from May 25, 2011.**

Tom Regan: We are going to ask that these two applications be tabled for tonight. Immediately prior to the last meeting we received both Mr. Meehan's staff comments as well as Mr. Gillespie's staff comments. We're in the process of developing our response to those, and also working with town staff to respond to the many issues that are there. We expect that we will have our response completed to the town staff in advance of the next meeting, but at this point, until we have those responses, that's a regulatory hearing on a special exception subdivision application, we ask the Commission to table that for two weeks while we continue to work with town staff on our response.

Chairman Pruet: It will be postponed.

Ed Meehan: Mr. Chairman, we do have time to postpone it, continue it. I would like to enter into the record supplemental staff comments from the Town Planner of Newington which have been shared with the applicant, and Town Engineer Tony Ferraro's engineering comments which were shared with the applicant on June 1st. Both of those are (inaudible.)

Chairman Pruet: Thank you.

Commissioner Pane: Excuse me Mr. Chairman, I have a question for our Town Planner. Ed, there is a map over to your left here which has an overlay of the ridge line, fifteen percent slopes and then it has a clear overlay of the project. Is that the only one available or are there copies of that?

Ed Meehan: Mr. Pane, unfortunately that is the only map available of the combined information. We have the overlay with the proposed seventy-one lot subdivision and concept plan that Toll Brothers provided us. The base map, or the topographic map underneath that is available. It's on our web site, it's part of my staff reports for Petitions 12-11 and 13-11 and the map you reference was made part of the public hearing record on May 25th.

Commissioner Pane: And that was provided to us by the applicant?

Ed Meehan: The slope analysis was done by the Newington staff, our GIS technical with input from myself and the town engineer.

Commissioner Pane: Thank you very much, thank you Mr. Chairman.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

Rick Spring, 47 Deepwood Drive: I just want to say one thing, if they are going to table their petition, I believe we should keep this public hearing open for two more sessions. I think we have that right, don't we?

Chairman Pruet: Well, those petitions are different than the.....

Rick Spring: I know they are. They were supposed to speak to them tonight, we were going to address them tonight, so I believe that we are being cut short. I believe we should keep these public hearings open for two more sessions, not one.

Commissioner Pane: I was just going to say, that can be determined at the next meeting if there is a problem. Thank you.

Unidentified speaker: I have a question. This relates to Ms. Miller's points. I just wonder which members of the Commission are either real estate agents, lawyers, or might relate to that problem that she mentioned, and I would like to know if anyone is going to recuse themselves from this vote?

Chairman Pruet: Regarding the Commission members, I have spoken with our Town Attorney and the other attorney is correct, no one on this panel has a monetary interest in any of these projects, so I am not going to poll the Commissioners, if that is what they want to address, they can do so after the meeting.

Commissioner Hall: I'll address it, because this has come up several times before. I am a local realtor, I make no bones about it. There are several times in the past couple of years where I have recused myself because I have been directly involved in a situation that we were going to be voting on. I think my fellow Commission members understand that. That any time I think there is a conflict I do separate myself from it. This is a zone change. A zone change is not going to put money in anybody's pocket who is sitting up here and that statute specifically states that if we have a monetary interest or any ability to make money on the deal, that we have an obligation to recuse ourselves. In no way am I employed by Toll Brothers, I have nothing to do with Toll Brothers, and I don't feel that there is any kind of a conflict. If there is, at any time I will, and I have recused myself.

Chairman Pruet: Thank you Ms. Hall.

Commissioner Pane: Mr. Chairman, I just want to speak on Cathy's behalf. She has recused herself several times and I have total confidence that she is not a conflict. As far as I'm concerned, I'll tell you what I do, I own commercial property down on Pane Road, and I sell material. Thank you.

Maureen Klett, 104 Harold Drive, Newington: A member of the Town Council. I have a concern that I have heard that there is a member of your board that will be leaving town in July and if that is the case, this issue is too important to have someone who is not going to be here after it is over, so I think that if someone is in fact not going to be here in a month or so, they should be, they should consider whether they want to, whether they think they should take a vote on this issue.

Chairman Pruet: Thank you.

Commissioner Pane: Mr. Chairman?

Chairman Pruet: Yes.

Commissioner Pane: Since the Councilor just spoke up about that, I think that if the Councilor and other people feel that one of the Commissioners should step aside for that since they are leaving town, that person is also a political boss, and maybe the other political boss who is on this Commission should step aside too. Thank you.

Chairman Pruet: Okay, further remarks for items not listed on the agenda?

Ryan Jordan: I know that this might seem like a ridiculous comment, but why are there only two women on the Commission?

Commissioner Anest: Three.

Ryan Jordan: Where is the third.

Commissioner Anest: Not here this evening.

Chairman Pruet: Just an absentee.

Ryan Jordan: I'm just curious. Wouldn't a more fair board of people include more females?

Chairman Pruet: I don't hand pick them.

Ryan Jordan: Thank you. Just curious.

Chairman Pruet: Okay. Anybody else from the public for items not on the agenda.

Cele Deschler: Commissioners, you are doing a great job. You have listened intently, the people of this town have spoken strongly. It seems that there is only one message, please, please save our beautiful Cedar Mountain. We need your help. Can we depend on it? Can we raise this money if needed? We've done it before, let's do it again.

Chairman Pruet: Thank you.

IV. MINUTES

May 25, 2011 – Regular Meeting

Commissioner Anest moved to accept the minutes of the May 25, 2011 regular meeting. The motion was seconded by Commissioner Hall.

Commissioner Aieta: If I might, for the record, I was not at the last meeting but I did read the minutes and also watched the proceedings on the video, and I feel comfortable voting on the minutes.

Chairman Pruet: Thank you.

Commissioner Casasanta: As I was not present at the last meeting, I will be abstaining from voting.

The vote was in favor of the motion with six voting YES and one abstention (Casasanta.)

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I don't have anything right now. I know that the Chairman communicated with the Commission members about the withdrawal of the Wex-Tuck case, so you should all have gotten that. The case was withdrawn from the docket.

Chairman Pruett: Thank you.

VI. NEW BUSINESS

A. PETITION 19-11 – 2929 Berlin Turnpike former CitiBank parking lot Wex Tuck Realty, LLC owner BJAlan Company/Phantom Fireworks attention Carolyn Foster 43 Hallmark Hill Drive, Wallingford, CT 06492 applicant request for site plan modification tent sale, June 24, to July 11, 2011, PD Zone District.

Chairman Pruett: Is the petitioner here? Please come forward and state your name and address for the record.

Carolyn Foster, 43 Hallmark Hill Drive, Wallingford, Connecticut: I'm here today to, I'm the general manager of Phantom Fireworks here in Connecticut and I'm here seeking permission from the Council to place a tent of 20' x 30' and a storage container on the property of 2929 Berlin Turnpike in Newington, Connecticut to conduct retail sales of Connecticut legal sparklers and fountains, from June 24th to July 4th, ten a.m. in the morning to ten p.m. at night.

Chairman Pruett: Anything else?

Carolyn Foster: Only that we were approved by your Commission to do this last year.

Chairman Pruett: Ed?

Ed Meehan: This site was used last year for temporary fire works sale, in the parking lot. The layout was limited to just the hard surface. My information in your application said a 30 x 30 tent, you said 20 x 30. It is 30 x 30, the application has been referred to the Building Department and Fire Marshal. If the Commission issues the special temporary permit Chief Schroeder and the Building Inspector would inspect the site before it is used, and it's a straight forward permit. That's all.

Chairman Pruett: Thanks Ed. Commissioner comments?

Commissioner Anest: I think we could move this to Old Business to vote on the permit.

Chairman Pruett: Is it the consensus of the Commission to move this to Old Business? Okay we will move that to Old Business and we will vote on that tonight.

Commissioner Pane: Mr. Chairman, I'd like to know what kind of signs she is going to have out there on the property, because if I recall last year we asked for one sign and more appeared so I want a clear cut decision on what they are going to have for signage and I

want to hold this company to it because it seems like every year we still have problems with signage. Thank you Mr. Chairman.

Chairman Pruet: If you could address the concerns about signage?

Carolyn Foster: I will. Our tent has a large banner on the top of it that's sixteen feet by five feet, actually placed on the tent itself, and then we also have rows of flags and other banners that say, buy one get one that are on the tent as well and the banners, the flags around the tent are to keep a perimeter so that we don't have anyone driving into the tent or you know, injure anyone, so we try to keep a perimeter around the tent. We don't use street signs or lawn signs, I mean, we know that they are not allowed and they are going to be taken anyway, so we don't have the expense of that.

Commissioner Pane: That clarifies it for the record. Thank you very much.

Carolyn Foster: Thank you.

The vote to move Petition 19-11 to Old Business was unanimously in favor of the motion, with seven voting YES.

B. PETITION 20-11 – 56 Costello Road T-Bowl parking lot CMB Inc., owner TNT Fireworks attention Melissa Goduti 40 S. Cherry Street #23 Wallingford, CT 06492 applicant request for site plan modification tent sale, June 18 to July 5, 2011, PD Zone District.

Chairman Pruet: Is the petitioner here? If you would just give us your name and address for the record?

Melissa Goduti, 40 S. Cherry Street Wallingford, Connecticut: Now there are two separate petitions for one organization. I just want to, there are two separate locations.

Chairman Pruet: Yes, we will discuss the other one too.

Melissa Goduti: Okay. This location is for 56 Costello Road, the T-Bowl Lanes. What we are looking to do is to put up a tent from June 18th to July 5th for the sale of Connecticut legal sparklers. TNT Fireworks has operated in the state for over ten years, and we have been in Newington and we haven't had any issues, we've abided by all local ordinances. The hours of operation would be nine a to ten p and we would have all of the No Smoking signs, fire extinguishers or anything else that is required. And to address the sign issue as we addressed it in the last issue, all the signs will be on the tent. There are no individual signs that will be placed on any other part of the property.

Chairman Pruet: Were you in charge last year of that same....

Melissa Goduti: No, that was Phantom Fireworks.

Chairman Pruet: Okay, thank you.

Melissa Goduti: So it was approved last year for that.....

Chairman Pruet: Any staff comments on the position at Costello Road?

Ed Meehan: The important aspect of that site last year as I recall is that the travel lanes had to be kept open and the placement of the tent set back from the travel lanes and the driveway exits. Phantom Fireworks had that site last year, right?

Melissa Goduti: Yes, I believe we, do all of the members have a copy of where we placed the tent? We placed it in a different space from what they did last year. I thought it was a little bit safer where we put it this year, which is actually within the parking spaces, a double parking lane all the way over, if you are looking at the building, towards the right, a 30 x 50.

Ed Meehan: One of the Commission members pointed out that there were numerous lawn signs, I believe, I'm not saying you did it.

Melissa Goduti: It wasn't me.

Ed Meehan: Okay.

Chairman Pruet: Or your accomplice.

Melissa Goduti: No, that wasn't, I didn't operate in Newington last year. I only had a store in Berlin, at TNT Fireworks.

Commissioner Aieta: Just for the record, we are going to hold your feet to the fire, this application and the previous application if there are lawn signs up, and you come in next year, and we're still on the commission, you will not be able to participate in the Town of Newington. We don't want lawn signs, particularly on other people's property. This has been going on for years, you come in and say one thing, and something happens altogether different after you get the approval. We are going to be watching this year, and we don't want the signs all over the Berlin Turnpike. You have the signs on your tent, and they specifically say what you do, that should be sufficient. We are going to hold your feet to the fire, both your application and the previous one.

Chairman Pruet: Any further comments from Commissioners? Okay, what is the will of the Commission on this?

Commissioner Anest: Move to move it to Old Business.

The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

C. PETITION 21-11 – 3164 Berlin Turnpike Wal-Mart parking lot Newington VF LLC owner TNT Fireworks attention Melissa Goduti 40 S. Cherry Street #23 Wallingford, CT 06492 applicant request for site plan modification tent sale, June 18 to July 5, 2011, PD Zone District.

Melissa Goduti: This location, just like the other one, this location has been approved for several years, we were not there last year, but the last sale year that our company sold from a tent at Wal-Mart was 2008. The tent over there will be a 20 x 40. It will actually go up on the 23rd of June. Everything will have the smoking signs, H signs, hours of operation, nine a. to ten p. and it's just being allowed for sparklers.

Chairman Pruet: Ed, comments?

Ed Meehan: The important thing with this site is as the other ones, safe travel ways. Wal-Mart is a busy parking lot, more activity there. Applebee's is vacant, so that will reduce some of the traffic, but safe driveways and safe sight lines in this parking lot. And again, signage. Signage should, as Commission members said, be at the site, not in the state right of way, not a half mile down the Berlin Turnpike.

Melissa Goduti: I just wanted to speak about the Wal-Mart. We have a corporate contract with Wal-Mart, we operate out of over a thousand Wal-Marts, and they have a new clean image. Our Wal-Mart signage on our tent is completely different than the other sign packages that we put on them. Wal-Mart only allows us to put three signs, they have to be red and yellow, it has to be very clean, we cannot put flags, we cannot put, not that I would put something, around like lawn signs, we have to like not put them anywhere. We signed a very strict contract with them and we have to abide by that to keep our thousand locations that we have with them.

Chairman Pruet: Any questions?

Commissioner Hall: I just have a question as to why three of these operations in one mile, two on the east side and one on the west side of the Berlin Turnpike? Doesn't that seem like a lot, I mean, is it just me or

Commissioner Anest: It's two different companies. I mean, I agree, I was wondering why the same company on the same space....

Commissioner Aieta: Cathy, there is also, if you drive on the turnpike, there is also a permanent location that sells out of a store front, so I would say, on the Berlin Turnpike during the season, there are probably five or six locations.

Chairman Pruet: Ed, do you have comments from staff on this?

Ed Meehan: No.

Chairman Pruet: We are going to be going to Old Business so we will place these both under Old Business.

VII. OLD BUSINESS

Chairman Pruet: Cathy, would you please read Petition 19-11.

Commissioner Hall: Petition 19-11- 2929 Berlin Turnpike former Citibank parking lot Wex Tuck Realty, LLC owner BJ Alan Company/Phantom Fireworks attention Carolyn Foster 43 Hallmark Hill Drive, Wallingford, CT 06492 applicant request for site plan modification tent sale, June 24 to July 4, she said, even though it's printed July 11th, so which date do I use? She said June 24th to July 4th, it's printed to July 11th.

Ed Meehan: That was on her application.

Commissioner Hall: Right, but she said the 4th.

Chairman Pruet: So again, do you want to use July 11th for your petition?

Carolyn Foster: The sale will be over on the 4th, but the tent.....

Commissioner Hall: So for petition purposes should we just do the 11th?

Chairman Pruet: We'll just do the 11th to cover all bases.

Commissioner Hall: July 11th, in a PD zone district.

Commissioner Pane: I'll second that, Mr. Chairman.

Chairman Pruet: Any discussion? The vote was in favor of the motion, with seven voting YES.

Chairman Pruet: Commissioner Lenares, would you read the next petition?

Commissioner Lenares: Petition 20-11 – 56 Costello Road T-Bowl Lanes parking lot CMB Inc., owner TNT Fireworks attention Melissa Goduti 40 S. Cherry Street #23 Wallingford, CT 06492 applicant request for site plan modification tent sale, June 18th to July 5, 2011, PD Zone District.

Chairman Pruet: Do we have a second on the motion?

The motion was seconded Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

Petition 21-11

**3164 Berlin Turnpike – Wal Mart
TNT Fireworks – Tent Sale**

Commissioner Anest moved that Petition 21-11 – 3164 Berlin Turnpike Wal Mart store, Newington VF LLC owner TNT Fireworks attention Melissa Goduti 40 S. Cherry Street #23 Wallingford, CT 06492 applicant request for site plan modification tent sale, June 18 to July 5, 2011 be approved for the temporary placement of one (1) 20' by 40" tent in the Wal Mart parking lot, the tent location shall not impede travel lanes, block sight lines or driveway access.

Prior to the use of the tent, TNT Fireworks shall submit permits and obtain approvals from the Newington Building Department and Fire Marshal.

The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Pruet: Again ladies, please adhere to the rules from the Building Department, the Fire Department and also be very cautious of the signs, because as the Commission said before, if there is a violation we definitely will not approve it for next year. Thank you and good luck.

Commissioner Hall: I think I made a mistake, because when I read it, I stopped at July 11th, we really need to add the rest of that to the record so can we go back to that, and I apologize. Can we go back to that? I'm going to read the whole thing over.

Ed Meehan: I think both you and Mr. Lenares read the petition, not the motion.

Commissioner Hall: So if we can prevail on the Commission to do this over? A do-over? Thank you.

Petition 19-11

**2909 Berlin Turnpike – Former Citi Bank Property
Phantom Fireworks – Tent Sale**

Commissioner Hall moved that PETITION 19-11 – 2909 Berlin Turnpike former Citi Bank parking lot Wex Tuck Realty, LLDC owner BJ Alan Company/Phantom Fireworks attention Carolyn Foster 43 Hallmark Hill Drive, Wallingford, CT 06492 applicant request for site plan modification, be approved for temporary tent sale of fireworks, June 24 to July 11, 2011. The applicant is approved for the placement of one (1) 30' x 30' tent and one (1) 20' storage container in the parking area adjacent to the Berlin Turnpike as shown to the Commission at it's June 22, 2011 meeting.

Prior to use of the tent, Phantom Fireworks shall submit permits and obtain approvals from the Newington Building Department and Fire Marshal.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with seven voting YES.

Petition 20-11

**56 Costello Road T-Bowl Property
TNT Fireworks – Tent Sale**

Commissioner Lenares moved that Petition 20-11 – 56 Costello Road T-Bowl Lanes parking lot CMB Inc., owner, TNT Fireworks attention Melissa Goduti 40 S Cherry Street #23 Wallingford, CT 06492 applicant request for site plan modification tent sale, June 18 to July 5, 2011 be approved for the temporary placement of one (1) 30' x 50' tent in the parking lot adjacent to the Berlin Turnpike, the tent location shall not impede travel lanes or the Costello Road driveway.

Prior to the use of the tent, TNT Fireworks shall submit permits and obtain approvals from the Newington Building Department and Fire Marshal.

The motion was seconded by Commissioner Casasanta.

The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Pruet: Petitions for Scheduling, Ed?

VIII. PETITIONS FOR SCHEDULING (TPZ June 22, 2011 and July 13, 2011.)

- A. Petition 16-11 – 2553 Berlin Turnpike, Holiday Inn Express site, Newington Hotel Partners, LLC owner, Arnco Sign Company, Inc. 1133 Broad Street Wallingford, CT 06492, attention Marc Cohen request for Special Exception Section 6.2.4 pylon sign, B-BT Zone District. Schedule for Public Hearing June 22, 2011.
- B. Petition 18-11 – 18 Cedar Street Hayes Properties LLC owner, Newington Center Spirit Shop LLC applicant, contact Richard P. Hayes, Jr. 1481 Pleasant Valley Road Manchester, CT request for Special Permit Section 6.6 Liquor sale and waiver of separation from church Section 6.6.3 B-TC Zone District. Schedule for Public Hearing, June 22, 2011.

Ed Meehan: Thank you. I would recommend the Commission consider pushing the two petitions that you had set for the 22nd of June, tentatively out to July 13th, to accommodate the continuance that Toll Brothers asked for tonight. We do have enough time to do that.

Chairman Pruet: Everybody agree with that? Yes, we will do that per your recommendation, thank you.

IX. REMARKS BY COMMISSIONERS

Commissioner Aieta: Mr. Chairman, would you clarify what we are going to do at this next meeting with the public, an open forum as it was at the last two meetings, going through the same procedure as we did tonight and you did two weeks ago? Is it going to be a two hour re-hash.

Chairman Pruet: That's what we are going to discuss right now. I will send out an e-mail to see how Commission members feel about, I said at the beginning that we would hold a minimum of three public hearings....

Commissioner Aieta: The problem that I see Mr. Chairman is that we have gotten a lot of information from the public and now it's starting to become repetitious and a lot of it is not pertinent to the issues. We're not getting enough information from the applicant that we as a Commission should be discussing and going over, like the maps and everything so that we should be educated on the project. I'm not taking away from the public, they have a right to be heard, but I think it's to a point now where it is overkill. I mean, we've gotten the message, we know what they have to say, they have said it loud and clear, we've been going through this for over two years, I think now it's up to the Commission to start looking at the bigger picture of what we are going to do. I mean, beside the public, we have our work and our opinions that we have to start to form instead of listening to a rehash of their issues.

Chairman Pruet: I agree with you, but I reiterated my remarks too about professionalism, I just can't stop them from talking, I just can control it the best I can for the minutes and not let them get out of line. Some of the senior citizens I allowed to.....

Commissioner Aieta: Which is not a problem, but I think we need the time under the Public Hearing to get more information on the project so that we can make an intelligent decision.

Chairman Pruet: That is what I would like to do tonight.....

Commissioner Pane: Mr. Chairman, the Commissioner has a good point and maybe through the Chair at the next meeting since you did promise to leave it open for the next meeting, maybe we could just emphasis to the public not to try to repeat themselves. If they have new information, provide new information and explain to them the reason, which the Commissioner just stated so that we can get to the applicant and get as much information and get on with this and I think hopefully, and we'll help you explain to the public.

Commissioner Aieta: Maybe I'm out of line, maybe the Commissioners here want to hear another round of what the public has to say, I don't know. In my opinion, after reading the minutes and watching it on TV, and being here tonight, I've heard what they have to say, a lot of it is repetitious, a lot of it is information that is not pertinent to this Petition.

Commissioner Hall: We told them tonight that they would be heard, which is all well and good, but we have got to somehow get them to understand what we are talking about which is the change from commercial to residential. One of them came out and said, don't change

it because we want this to be open space. They just don't get it. Somehow they think if we don't change it, it's going to remain open space, well, guess what, it's not open space. The task before us is to decide whether we think the current zoning, commercial, should be changed to an R-12 residential, and then we have to note why, if we are going to change it, it's a better idea to have residential than it is to have commercial. This whole idea of open space, which is wonderful for them, that's what they want, that's not what we are voting on. So even if we say no to the change, that doesn't mean that we are leaving it open space. How do we get that across to them?

Chairman Pruet: Good question, I conveyed that numerous times, Mr. Meehan has conveyed that, the attorney for the petitioner has conveyed that....

Commissioner Hall: Well, I think you let them speak one more time, and at the end of that we explain, now, we need to do our job. We've heard you, we thank you, we've taken notes, we've got it in the minutes, but now we need to do our job.

Commissioner Lenares: I agree with the last two Commissioner comments. I agree that it is getting a little redundant. I've listened to these residents come out, I totally respect their opinions and I am glad that they came out and gave them. The only thing is we promised them that they would be heard again at the next meeting, and they know that and we know that. I would be in favor of keeping it that way, not extending it, as one of the residents, or several had requested it. We've kind of held up our end of the deal, gave them three opportunities to come, I just, the problem that I have is, some of the residents come up and they're looking for us to respond. One of the residents said, why aren't you saying anything? Well, with the process of public participation, that is their time, and I just hope that someone is watching this, or is going to read the minutes and say, hopefully they are going to see that we are going to have our time to comment and give an opinion, or reason, aye or nay. One of the people actually just said, we're not listening. I've never interrupted any of the speakers for or against any development, I've respected all of the people who have come out, I'm really listening, I've taken notes, and I'm going to put together an opinion for myself and no one else, but to say that I'm not listening to them, and I'm not doing my job as a Commission, I kind of felt a little bit slighted, but sometimes they don't understand the process of what we go through up here and when it's our turn to speak and not speak. I apologize if someone doesn't understand that, but I just hope that they understand that we are going to speak at some point and we are going to address their concerns, so their thoughts and their concerns will be addressed.

Commissioner Casasanta: Absolutely keep it open, and not to try to cut anybody off at the knees, when they are trying to speak, maybe at the beginning of the meeting simply request, and all you can do is request, that when they are coming up to speak, not to say something that they have said before at previous meetings. Obviously if there is something new that they want to share they will have an opportunity to say, from the last couple of meetings that they just thought of, then by all means share that with us. This time kind of like keep, you've already said it once, we have heard them, we're taking everything into consideration.

Chairman Pruet: I'll reemphasize that, for new information and new ideas. A lot of them just don't understand, and I hope their, through Ed's staff concerns and our concerns to the petitioner, all their questions will be answered.

Commissioner Anest: I'm in favor of keeping the hearing open for at least one more. There were quite a few new people that spoke this evening, and it's good to see that the town is passionate, one way or the other for this project, but I think it needs to be emphasized in the beginning, when we read the first petition that you should only come up and speak pertaining

to the zone change, or whatever that petition is. I think people are getting confused of what we are doing. I think we have to emphasize that we are speaking right now on the zone change. Then when they come up and they do their presentation of the subdivision, from the other two petitions, then you could come up again, and speak regarding their concerns regarding the Balf piece.

Commissioner Aieta: They're not going to have an opportunity to do that because under our regulations site plan approval is not a public hearing.

Commissioner Anest: Well, not the site plan, I mean the approval for the open space subdivision, the Petition 12-11 and 13-11, they can speak, but we have to let them know that there are two opportunities. If they have already spoken regarding the zone change, maybe they should hold their comments because most of their comments are going to be regarding the other two petitions.

Chairman Pruet: In their minds, they are all one. It's very difficult for them to separate the difference between the petitions. Again, I'll keep trying, I'll reemphasize that, hopefully the comments will be kept to a minimum.

Commissioner Pane: Mr. Chairman, one of the requirements before we close the public hearing is that we received everything, anything new and there is no other information that we need to receive from the applicant, so we really have to make sure that the applicant at the next meeting delivers all the information that we are going to need, requested. Is that right Ed?

Ed Meehan: Well, your comments are right, let me start over, your comments that you just said now, should be said at your next meeting. You should make the record pertinent to the petition before you. The zone change, 09-11 and you should put on the record your understanding of your role as legislators of policy makers and that you want to challenge the applicant to give you more information if you think you need it, (inaudible) that information is complete they have it, they need the chance to respond to it. If you have questions, I would say you should ask your questions before their rebuttal, so they can put their response into the public hearing record. Once the hearing is closed, then that is, as Commissioner Lenares was saying, you can then talk about this and they can sit out there and listen, but you want to be sure that you have all of the information in the record, so it's important to segregate these petitions apart. I've tried to do it, Attorney Regan has tried to do it, and I know he is concerned about making (inaudible). I don't want to make a procedural mistake, so in fairness to the applicant, I would say, we'll get all their information, if they don't have all their information relative to two subdivision petitions, 12-11 and 13-11, you may have to go to July. You have the time, and they can grant you additional time. There is a lot of information that we haven't gotten yet. They are aware of it, they are working on it. They have had a couple of technical meetings with staff, but they need to put that information back in the record as Domenic is saying, we can respond and we can ask questions. Once the hearing is closed, that's it, you can't put any more information in, and they know that. That's why they wanted the extension.

Chairman Pruet: I think, Commissioner comments, that's when we have to bring forward as part of the record so we get our concerns answered by the petitioner. That's important.

Ed Meehan: You started out the meeting, we wear a separate hat, you're dealing with land use issues, and the comments I heard both during the public hearing and throughout the week, and several times a day, are getting very confusing, but trying to explain that to most people, they want to see the whole mountain saved. That is all well and good, but you've got

to step back and look at the different pieces of the puzzle, and your partners in this is the Wetlands Agency. Without getting too technical, you know, and the Wetlands Agency knows that you can't make a decision until you get a report from Inland Wetlands, and I think we have to help the public to understand that. That could push this well into late July depending on the situation. The other thing that I want to mention if I can, it's your turn to talk, not mine, is relative to this. We talked about a site walk on the property. It's very problematical. It requires a special meeting notice, a continuance of the public hearing, the public has the right to (inaudible) that site walk, we were talking about trying to be more efficient and do it with the Inland Wetlands agency, it would be really difficult to control a site walk on that property. Both because of people talking to Commission members, not going through the Chair, trying to make a record of that, but there could be an opportunity that staff could go up with the individual commission members if you would like, on a one to one basis. Project (inaudible) would meet us, they would walk through the site, as much as you would want to see, without a quorum, a quorum would be a meeting. I would suggest not more than one or two members. It's a tough site to walk. A seventy-three acre site, so if there are Commission members who want to do that, I will make myself available anytime you want to do that.

Commissioner Pane: Mr. Chairman, I agree with the Town Planner, it is too difficult a site. I think the key to this is going to be the map to your left Ed. I haven't had a chance to look at it for a long period of time, but that, I'd advise all of the Commissioners to look at that, and it's too bad that we can't get more copies of that, but clearly states which parts of this land is going to be developable. What parts have too much slope on them, so that map will determine whether it's commercial or whether it's residential, how much of this land somebody will be able to build on, and that's the key right there, on both pieces. Thank you Mr. Chairman.

Chairman Pruet: Further remarks? Okay.

X. STAFF REPORT

Request for Bond Release – Francis & Cynthia Callahan, Cedarwood Lane cul-de-sac.

Ed Meehan: The only thing I have under staff report is the Callahan subdivision at the end of Cedarwood Lane is complete. The Town Engineer has inspected it, it was a one lot re-subdivision, cul-de-sac was constructed, all work has been satisfactorily done. The next step in the process would be a one year maintenance bond and for this particular work we would recommend a minimum maintenance bond since all the work is done except setting the mere stones and certification of mere stones. The balance of the work is as built plans and warrantee deed so our staff recommendation is to release the \$15,000 bond.

Chairman Pruet: Entertain a motion that the suggested motion be entered into Old Business to vote on.

Commissioner Pane moved that the \$15,000.00 subdivision performance bond posted by Francis and Cynthia Callahan for construction of the cul-de-sac at the end of Cedarwood Lane be released, all construction work having been satisfactorily completed.

Prior to release of the performance bond a one (1) year maintenance bond shall be posted in the amount of \$2,500 with the Town Manager and the property owners shall petition for road acceptance pursuant to the Newington Subdivision Regulations.

The motion was seconded by Commissioner Anest.

The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Pruett: Anything else Ed for Staff, any new businesses coming in?

Ed Meehan: A couple businesses, a little bit premature to identify who they are, but they are in the works.

XI. PUBLIC PARTICIPATION
(For items not listed on agenda)

None

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruett: I want to thank the public for adhering to our time restraints, that helped the meeting move along. It was a good meeting tonight, it was civil, it was respectful, I was appreciative. I want to thank Commissioner Pane for his remarks, they were very appropriate.

XIII. ADJOURNMENT

Commissioner Anest moved to adjourn the meeting. The motion was seconded by Commissioner Casasanta. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary